

# ***NEWS from the T&I DEMOCRATS***

***Committee on Transportation and Infrastructure, Democratic Caucus***

***U.S. House of Representatives, 2163 Rayburn HOB, Washington, DC 20515***

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***FOR IMMEDIATE RELEASE***

***Friday, October 7, 2005***

## **GAO: Corps of Engineers Lax on Wetland Losses *More oversight of mitigation program needed, Oberstar says***

WASHINGTON--The Army Corps of Engineers does not provide adequate oversight of wetlands mitigation, according to Representative James L. Oberstar, Ranking Democrat on the House Committee on Transportation and Infrastructure. Today Oberstar released a Government Accountability Office report on the Corps's oversight of its own wetlands program.

Wetlands help control floods, improve water quality, and provide wildlife habitat. The severe erosion of protective wetlands over the years was a major contributing factor to the serious losses in Louisiana as a result of Hurricane Katrina.

"When the agency charged with protecting the Nation's wetlands places a low priority on oversight, losses will only continue and flood threats will only increase," Oberstar said.

Section 404 of the Clean Water Act provides regulatory protection for wetlands and generally prohibits the discharge of dredged or fill material into wetlands or other regulated waters without a permit from the Corps. When damage or degradation of wetlands is unavoidable, the Corps can require compensatory mitigation as a condition of obtaining a permit. This mitigation can involve creating a new wetland or restoring a former wetland. It is intended to help achieve the national goal of no net loss of wetlands.

The report, prepared at Oberstar's request, shows that the Corps has performed little oversight on compensatory mitigation. Without this necessary oversight, the Corps cannot know if mitigation has been performed or if it is working. It could mean the loss of thousands of acres of wetlands, directly counter to the national goal of no net loss. The report noted that the Corps historically has not emphasized oversight of such mitigation activities and cited two prior GAO studies, in 1988 and 1993, with similar findings. GAO also found that the Corps's oversight efforts were hampered by vague and inconsistent guidance.

The report also found that the Corps fails to conduct oversight over mitigation banks – private and public areas that serve as compensation for wetland losses. Only 36 percent of the banks reviewed indicated that the Corps had conducted any inspection activity.

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"The Corps permits the destruction of wetlands on the promise that the mitigation banks will compensate for the loss, but then does no inspections. This is banking without auditors," Oberstar said.

"I am very troubled by GAO's findings," Oberstar said. "This program is absolutely essential to preserving and enhancing our nation's wetlands. The Corps must change its practice and place a higher priority on compensatory mitigation."

***The full report, GAO-05-898, is available on line at [www.gao.gov](http://www.gao.gov)***

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